IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.935 OF 2005

IN

NOTICE OF MOTION NO.1997 OF 2005

IN

B.C.C.C. S.C. SUIT NO.2725 OF 2005

WITH

CIVIL APPLICATION NO.1099 OF 2005

Raja Rambhai Bharwad ...Appellant

Versus

Kamaluddin Nuruddin Shaikh & Anr. ...Respondents

.....

Mr.G.V.Pandya for Appellant.

Mr.Shriniwas Deshmukh i/b Ms.Meena Fulbandhe for Respondent No.1.

.....

CORAM: A.M.KHANWILKAR, J.

JULY 19, 2006.

P.C.

1. Heard Counsel for the parties.

2. This Appeal from Order takes exception to

the order passed by the Trial Court rejecting the Notice of Motion for interim relief during the pendency of the suit. It is not in dispute that the trial is already concluded. Recording of evidence has been closed.

3. Thus understood, there is no propriety in entertaining this Appeal. Instead, this Appeal is disposed of with observation that the Trial Court to finally dispose of the Suit as expeditiously as possible. The Trial Court shall decide all issues on its own merits in accordance with law.

4. In view of the above order, accompanying Civil Application also stands disposed of.

A.M.KHANWILKAR, J.